



## **MEMORANDUM**

**TO:** D.C. Zoning Commission

**FROM:** Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

**DATE:** September 16, 2013

**SUBJECT:** **Final Report** on Zoning Commission Case No. 13-07, a Proposed Zoning Map Amendment to Bring a Portion of Square 5081 into Consistency with the 2012 District Columbia Comprehensive Plan

### **I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) recommends that the Zoning Commission approve this petition to rezone Square 5081 Lots 11-22, 52, 804, 805 and 806 from C-3-A District to R-5-A District.

### **II. APPLICATION-IN-BRIEF**

Addresses:	3930- 3962 Benning Road NE
Legal Description:	Square 5081 Lots 11-22, 52, 804, 805 and 806. Tax lots 804-806 sit on record lots also listed in the legal description above (refer to Exhibit 1)
Petitioner:	David P. Belt (owner of the 3940 Benning Road NE property)
Ward:	7F
Current Zoning:	C-3-A
Future Land Use Designation:	Moderate-density residential (refer to Exhibit 2)

### **III. BACKGROUND**

OP presented its preliminary report on this consistency petition during a regularly scheduled Zoning Commission meeting on June 28, 2013. The report made the case that amending the current C-3-A District to the R-5-A District would better reflect the Moderate-Density Residential designation for most of the subject properties on Future Land Use Map, and minimize the creation of new zoning non-conformities. Because the original petition requested a change to R-1-B District, advertising an amendment to the R-5-A District either alone or in the alternative was suggested. The report noted that the Petitioner did not oppose the change to an R-5-A amendment. The Zoning Commission voted unanimously to only set down an amendment to change the current zoning from C-3-A District to R-5-A District.

During the meeting, the Commission asked whether the Comprehensive Plan designation of the subject properties was changed during most the recent Plan amendment cycle in 2010. Upon further review, OP determined that the land use designation was changed from Mixed Use Medium Density Commercial and Moderate Density Residential to Moderate Density Residential as a result of the Comprehensive Plan Amendment Act of 2006 (D.C. Law 16-300, effective March 8, 2007).

### **IV. ZONING**

The subject seven properties, that collectively total 57,785 square feet (1.33 acres), are bounded by



Benning Road NE to the south; a public alley 16 feet wide to the north and east; and 39th Street to the west. This petition, as amended, would rezone these properties to from C-3-A to R-5-A which would not be inconsistent with the current Comprehensive Plan.

## V. ANALYSIS

As stated in our preliminary report, all the seven properties have a depth of 100 feet. The underlying record lots are typically 25 feet wide with an area of 2,500 square feet. Lot 54 at the eastern end of the row of lots with 250 feet of frontage and an area 25,000 square feet, and lot 22 at the western end with 63 feet of frontage and an approximate area of 3,900 square feet, are the largest record lots.

As shown in Figure 1 below, four of the properties are developed with single-family dwelling uses. Lot 52, the largest property and lots 14 and 15, the smallest lots, are undeveloped.

Figure 1

NO	SQUARE	LOT	PREMISEADD	USECODE	PROPTYPE	LANDAREA	OWNERNAME
1	5081	0014	BENNING RD NE	191	GARAGE/UNIMPROVED LAND	2,500	JAMES R BURRESS
2	5081	0015	BENNING RD	191	GARAGE/UNIMPROVED LAND	2,500	JAMES R BURRESS
3	5081	0022	3930 BENNING RD NE	012	RESIDENTIAL-SINGLE FAMILY	5,285	AILUE O GUNTER
4	5081	0052	4000 - 3962 BENNING RD NE	191	GARAGE/UNIMPROVED LAND	25,000	HOLY CHRISTIAN MISSIONRY BAPTIST CHURCH
5	5081	0804	3938 BENNING RD NE	012	RESIDENTIAL-SINGLE FAMILY	10,000	AROLI GROUP LLC
6	5081	0805	3944 BENNING RD NE	012	RESIDENTIAL-SINGLE FAMILY	7,500	MARTHA L JONES
7	5081	0806	3940 BENNING RD	012	RESIDENTIAL-SINGLE FAMILY	5,000	DAVID P BELT
<b>TOTAL</b>						<b>57,785</b>	

Figure 2 below compares the zone districts that cover the subject properties and surrounding lands.

Figure 2

District	Predominant Use	Matter of Right				Planned Unit Development (PUD)	
		Height	Min. Lot Area, Width	Lot Occupancy	Floor Area Ratio (FAR)	Height	FAR
R-2	Primarily developed with one-family, semi-detached dwellings, and designed to prevent the invasion of denser residential development.	40 feet, 3 stories	3,000 s.f., 30 feet	40%	No limit	40 feet, 3 stories	0.4
R-5-A	Designed to permit all types of urban residential development that conform to certain height, density, and area requirements: only low height and density are permitted.	40 feet, 3 stories	Board of Zoning Adjustment prescribed per § 3104	40%	0.9	60 feet	1.0
C-3-A	Designed to accommodate major business and employment centers and to permit medium density mixed-use development.	65 feet, no story limit	No minimum lot dimensions	75% Residence, 100% Commerce	4.0 Residence, 2.5 Commerce	90 feet	4.5 Residence, 3.0 Commerce

All listed zone districts allow one family dwellings, however:

- most of the subject record lots do meet the lot area and width requirements of the requested R-1-B District, and only one-family detached dwellings, some service and institutional uses would be allowed as a matter of right;

- most of the subject record lots do meet the minimum lot area and width requirements of the neighboring R-2 District and semi-detached one-family dwellings would also be allowed;
- there are no minimum lot dimensions in R-5-A: one-family detached or semi-detached dwellings, some service and institutional uses would be allowed as a matter of right; flats, row dwellings and multiple dwellings would also be allowed if approved by the Board of Zoning Adjustment in accordance with § 353; and
- although minimum lot dimensions are not required in C-3-A, taller and denser development and a wide variety of retail, office and service uses would be allowed as a matter of right.

OP analysis (refer to Exhibit 4) did not indicate that the recommended zone change would result in the creation of any new nonconformities on the subject properties.<sup>1</sup>

## VI. COMPREHENSIVE PLAN

The Comprehensive Plan Future Land Use Map designates most of the subject properties for Moderate Density Residential. The eastern portion of subject lot 52 is designated Parks, Recreation and Open Space (refer to Exhibit 2), as are all the lots within the adjacent Fort Mahan National Park boundary.

The Comprehensive Plan Policy Map designates the subject properties for Neighborhood Enhancement (refer to Exhibit 3) which is defined as:

"... neighborhoods with substantial amounts of vacant residentially zoned land. They are primarily residential in character. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. These areas present opportunities for compatible small-scale infill development including new single family homes, townhomes, and other density housing types. Land uses that reflect the historical mixture and diversity of each community should be encouraged [223.6]."

The Comprehensive Plan also provides the following general policy guidance:

- Moderate Density Residential: ... A designation that applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings . ...The R-3, R-4, **R-5-A** Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B District and other zones may also apply in some locations [225.4]."
- Policy LU-1.4.1: Infill Development, "Encourage infill development on vacant land, within the city, particularly in areas where there are vacant lots that create 'gaps' in the urban fabric and detract from the character of a ... residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern [307.5]."
- Policy LU-1.4.3: Zoning Infill Sites, "Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development [307.7]."

These properties also border areas with specific recommendations highlighted in District Council approved framework and development plans:

- The Benning Road Corridor Redevelopment Framework Plan approved by the D.C. Council on July 15, 2008 sought to strengthen existing neighborhoods and to encourage new mixed use and mixed income development in strategic locations along this corridor.

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<sup>1</sup> Based on survey and land use information in the public record

- Redevelopment guidance identified East River Shopping Center (at the intersection of Benning Road Minnesota Avenue NE) as one of the area opportunity sites, and new development was encouraged close to this major intersection. However, the subject properties were not located within the development site perimeter.
- The Deanwood/Great Streets Strategic Development Plan is intended to provide an implementation framework for public and private investment in a broad range of areas, leading to neighborhood stabilization and revitalization over a 10-year horizon. The Plan vision, as also approved by the Council on July 15, 2008, was to:
  - strengthen the neighborhood as a "historically stable, self-reliant, self-sufficient and close-knit" community;
  - enhance Deanwood as the "greenest" neighborhood in the District; and
  - promote a "better, safer and responsible future", which supports a complimentary mix of housing, employment, retail, open space, recreational and institutional facilities.

Plan goals included ensuring that the character and scale of new buildings reflect the character of the existing housing. Primary strategies include strengthening area "Focus Nodes" with higher quality commercial and mixed use development. Although the subject properties were located on the fringe of plan Focus Node "A", the immediate area was not identified for redevelopment.

## **VII. COMMUNITY COMMENTS**

On May 21, 2013, Advisory Neighborhood Commission (ANC) 7F voted to support the original request to rezone the subject properties from C-3-A District to R-1-B District.

Evie L. Washington, Single-member District Representative of 7F01, which includes the neighborhood where the subject properties are located, also submitted a letter in support.

## **VIII. AGENCY COMMENTS**

The District Department of Transportation inquired about this proposal, the agency elected not to submit any written comments and did not express any concerns about this request.

## **IX. CONCLUSION**

Zone districts generally deemed consistent with the Moderate Density Residential land use category include the recommended **R-5-A** District. Rezoning the subject property to R-5-A District would be consistent with the current Plan designation, not appear to place any of the existing lots into non-conformance, and limit future matter-of-right development to one-family detached or semi-dwellings and some service and institutional uses while allowing other moderate density residential development options subject to BZA approval.

Attachment: Exhibit 1 - Square 5061 Vicinity  
Exhibit 2 - Future Land Use Plan Designations  
Exhibit 3 - Policy Map Designation  
Exhibit 4 - Zone Change Computations

JS/afj  
Arthur Jackson, Case Manager





**Zoning Commission Case No. 13-07  
Square 5081 Vicinity**

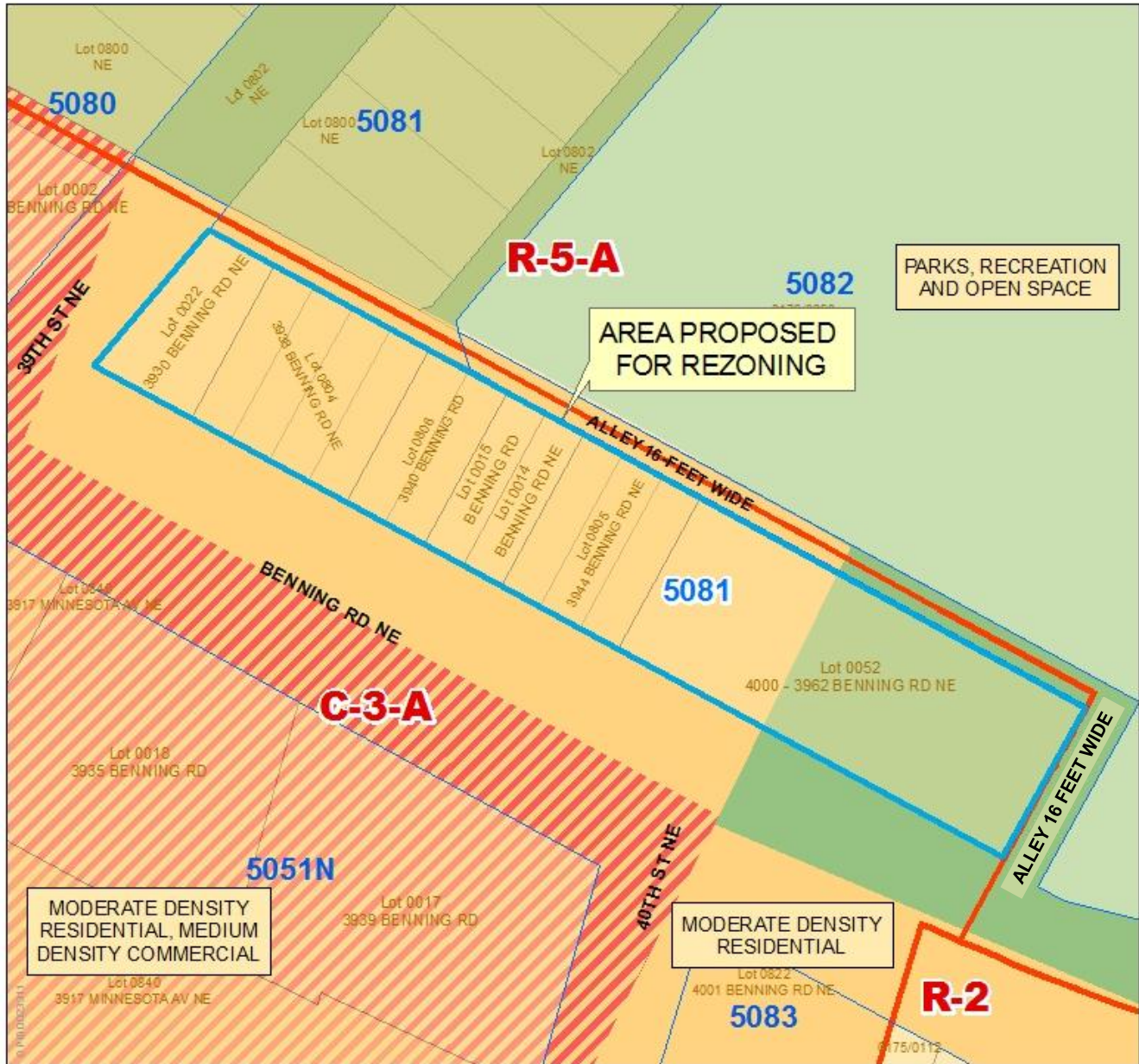


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Office of Planning ~ May 22, 2013

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-  Property Squares
-  Metro Stations
-  Street Centerlines
-  Water
-  Parks





**Zoning Commission Case No. 13-07  
2012 Future Land Use Plan Designations**

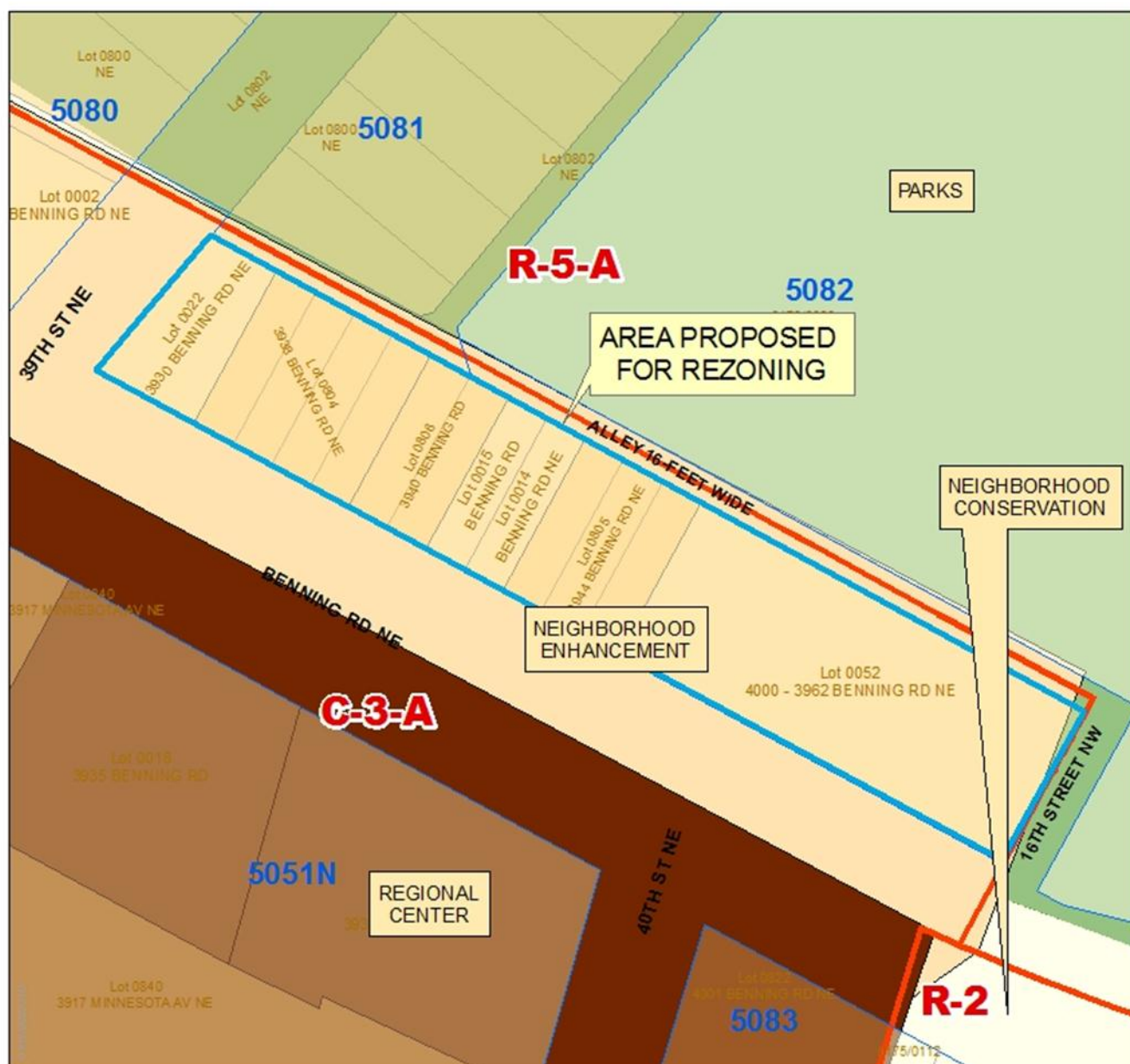


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- Property Squares
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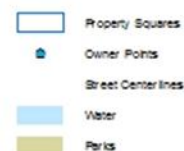


**Zoning Commission Case No. 13-07  
2012 Policy Map Designations**



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## ZC 13-07 ZONE CHANGE COMPUTATIONS

				C-3-A Standards	Area Requirement	Width Requirement	Height (ft.) § 770	Floor Area Ratio §771.3	Lot Occupancy § 772.1	Rear Yard (ft.) § 774.1	Side Yard § 775.1
					N/A	N/A	65 feet, no story limit	4.0/2.5	75%	2.5 in./vert. ft., >= 12 feet	3 in./vert. ft., >= 8 feet
Subject Property		Use Code	Description	Floor Area	Land Area	Lot Width	Height	FAR	Lot Occupancy	Rear Yard	Side Yard
1	5081 0014 (Benning Road NE)	191	Garage/unimproved land	N/A	2,500	25	UNKNOWN	N/A	N/A	N/A	N/A
2	5081 0015 (Benning Road NE)	191	Garage/unimproved land	N/A	2,500	25	UNKNOWN	N/A	N/A	N/A	N/A
3	5081 0022 (3930 Benning Road NE)	012	Residential-Single Family	1,842	5,285	63	UNKNOWN	0.35	26%	39 feet	3 and 15 feet
4	5081 0052 (400-3962 Benning Road NE)	191	Garage/unimproved land	N/A	25,000	250	UNKNOWN	N/A	N/A	N/A	N/A
5	5081 0804 (3938 Benning Road NE)	012	Residential-Single Family	2,910	10,000	100	UNKNOWN	0.29	17%	41 feet	10 and 60 feet
6	5081 0805 (3944 Benning Road NE)	012	Residential-Single Family	2,036	7,500	75	UNKNOWN	0.27	16%	43 feet	16 and 27 feet
7	5081 0806 (3940 Benning Road NE)	012	Residential-Single Family	1,984	5,000	50	UNKNOWN	0.40	26%	44 feet	7 and 18 feet

			R-5-A Standards	Area (sq. ft.) § 401.3	Width (ft.) § 401.3	Height (ft.) § 400.1	Floor Area Ratio §402.4	Lot Occupancy § 403.2	Rear Yard (ft.) § 404.1	Side Yard § 775.1	
				Per BZA	Per BZA	40 feet, 3 stories	0.9	40%	20 feet	3 in./vert. ft., ≥ 8 feet	
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